

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: May 13, 2002

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated March 29, 2002. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Part I

Investigations Completed

Cases Scheduled For Hearing:

**City of Burien (Gary Long, Burien City Manager)--Case #02-269; Investigator:
Suemary Trobaugh**

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Joseph Coomer against the City of Burien, alleging the city officials used public facilities to produce and distribute information that opposed a statewide ballot proposition. A brief enforcement hearing was scheduled for May 7, 2002. The chair of the Commission found that the matter should be heard before the full Commission. An enforcement hearing before the full Commission has been scheduled for May 21, 2002.

Disposition: Pending

**Citizens for Support of Yelm Schools (Janice McIntyre, Treasurer)-- Case #02-285;
Investigator: Lori Anderson**

Date Received: January 29, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Investigation Complete

Summary: A complaint was received from Harold Chambers alleging that Citizens for Support of Yelm Schools failed to report its contributions and expenditures for its support of two ballot measures on the February 5, 2002 ballot. An enforcement hearing before the full Commission has been scheduled for May 21, 2002.

Disposition: Pending

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Benjamin, Richard—Case #02-262; Investigator:

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Ronald Clark alleging that Richard Benjamin, a candidate for Des Moines City Council, failed to timely file reports of contribution and expenditure activity for the 2001 election as required for a candidate under the full reporting option.

Disposition: A brief enforcement hearing was held on May 7, 2002. The chair of the Commission found that Richard Benjamin violated RCW 42.17.080 and 42.17.090 by failing to timely file campaign finance reports disclosing contribution and expenditure information. Mr. Benjamin was assessed a civil penalty of \$200, of which \$100 was suspended on the condition there are no further violations of RCW 42.17 for a period of four years from the date of the order.

Tuma, Bernardo—Case #02-264; Investigator: Lori Anderson

Date Received: October 25, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Investigation Complete

Summary: A complaint was received from Kevin Phelps alleging that Bernardo Tuma, a candidate for Tacoma City Council, failed to timely file a Candidate Registration Statement (PDC Form C-1) and reports of contribution and expenditure activity (PDC Forms C-3 and C-4).

Disposition: A brief enforcement hearing was held on April 2, 2002. The chair of the Commission found that Bernardo Tuma violated RCW 42.17.080 and 42.17.090 by failing to timely file campaign finance reports disclosing contribution and expenditure information. Mr. Tuma was assessed a civil penalty of \$150.

Locke, Sydney—Case #02-268; Investigator: Lori Anderson

Date Received: November 14, 2001

Date Started: November 15, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Gary S. Grayson alleging that Sydney Locke, a candidate for Edmonds City Council, failed to timely file reports of contribution and expenditure activity undertaken by the Locke campaign (PDC Forms C-3 and C-4).

Disposition: A brief enforcement hearing was held on April 2, 2002. The chair of the Commission found that Sydney Locke violated RCW 42.17.080 and 42.17.090 by failing to timely file campaign finance reports disclosing contribution and expenditure information. Mr. Locke was assessed a civil penalty of \$150.

Downs Sr., Jim--Case #02-280: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson's campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of that investigation, staff alleged a violation of RCW 42.17.130 by Jim Downs, Sr., Chief of the SeaTac Fire Department.

Disposition: An enforcement hearing before the full Commission was held on April 9, 2002. The Commission found that Jim Downs Sr. committed a single violation of RCW 42.17.130 by using the facilities of the City of SeaTac Fire Department to support Geoff Simpson's Campaign for State Representative. Mr. Downs was assessed a civil penalty of \$1,000, and ordered that public funds not be used to pay the civil penalty.

**Pioneer School District (Richard Sirokman, Superintendent)-- Case #02-283;
Investigator: Lori Anderson**

Date Received: January 25, 2002

Date Started: February 8, 2002

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from John Diehl alleging that officials of the Pioneer School District used school district facilities to support the February 5, 2002, construction bond issue and maintenance and operation levy.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: A brief enforcement hearing was held on May 7, 2002. The chair of the Commission found Richard Sirokman, Superintendent of the Pioneer School District, in violation of RCW 42.17.130 by using the facilities of the Pioneer School District to support passage of the District’s 2002 ballot proposition. The Respondent was assessed a civil penalty of \$250, and ordered that public funds not be used to pay the penalty.

Herzog, Nathan-- Case #02-284; Investigator: Suemary Trobaugh

Date Received: January 28, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Carolyn Armanini alleging that Nathan Herzog, a candidate for Lake Forrest Park City Council, failed to report campaign contribution and expenditure activities as required for candidates under the full reporting option. Mr. Herzog changed from the mini to the full reporting option on October 5, 2001.

Disposition: A brief enforcement hearing was held on May 7, 2002. The chair of the Commission found that Nathan Herzog violated RCW 42.17.080 and 42.17.090 by failing to timely file campaign finance reports disclosing contribution and expenditure information. Mr. Herzog was assessed a civil penalty of \$500.

The following cases were dismissed with the concurrence of the chair:

Guite, Jerry—Case #02-261; Investigator: Suemary Trobaugh

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.100 and .510

Status: Investigation Complete

Summary: A complaint was received from Ronald Clark alleging that Jerry Guite sponsored political advertising supporting four candidates for Des Moines City Council and that the ad failed to contain complete sponsor identification information. In addition, it was alleged that the cost of the advertisement was not reported as an independent expenditure. The political advertisement was included on the back of a flyer for AAA Liquidating, a business owned and operated by Jerry and Patty Guite.

Disposition: Dismissed with the concurrence of the Chair. It was found that Jerry and Patty Guite paid a total of \$676 for printing and other costs associated with a

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two-sided flyer that was signed “Patty and Jerry Guite, 246-7253, owners of AAA Liquidators, Des Moines and Normandy Park.” The first side of the flyer advertised the business of Jerry and Patty Guite and provided the two locations of the business, and the second side of the flyer contained a political advertisement in the form of an endorsement letter that supported four Des Moines City Council candidates. Although the flyer did not use the words “paid for by” as required, it did include Mr. and Mrs. Guite’s name, business address and telephone number, and clearly indicated that Mr. and Mrs. Guite were the sponsors of the ad. In addition, Mr. Guite submitted a letter of explanation stating that the first page of his flyer was for business advertising and stating that the costs associated with that portion of the ad are not reportable. PDC staff agreed with that assertion. Mr. Guite stated that the remaining \$338 paid for advertising supporting four candidates for Des Moines City Council, and stated that since the amount benefiting each candidate was less than \$100, he did not believe he was required to file a C-6 report. Although the complaint was dismissed, PDC staff intends to seek clarification from the Commission on the staff’s interpretation of RCW 42.17.100.

Spies, Garrett—Case #02-265; Investigator: Kurt Young

Date Received: October 29, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Mardee Patton against Garrett Spies, a candidate for Fife City Council, alleging that Mr. Spies sponsored political advertising that contained a false statement of material fact about Ms. Patton, his opponent.

Disposition: Dismissed with the concurrence of the Chair. It was found that according to Fife City Council meeting minutes during calendar year 2001, Mardee Patton was absent from one Fife City Council meeting and excused from seven (7) other meetings. The statement made by Mr. Spies in his political advertisement regarding Ms. Patton’s attendance at the Fife City Council meetings was not a false statement of material fact. In addition, the statement made by Mr. Spies regarding Ms. Patton’s “agenda to try and increase the pay of the city council members” was his opinion rather than a true or false statement of fact.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Quesenberry, Rosemary--Case #02-271; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Dan Clawson alleging that Rosemary Quesenberry, a candidate for Renton City Council in 2001, sponsored political advertising containing false statements about Dan Clawson. The complaint also alleged that Ms. Quesenberry made a false claim of endorsement.

Disposition: Dismissed with the concurrence of the Chair. It was found that the statements made in the political advertisement by Rosemary Quesenberry about property taxes were factual. Clear and convincing evidence was presented indicating that the City of Renton had progressively collected more taxes in 2000 and 2001 (3.54% and 3.49%) than in prior years. However, tax rates did decline in the City of Renton as property valuations increased. In addition, with regard to the false claim of endorsement, the statement attributed to Randy Corman was the actual language taken from the letter sent to Ms. Quesenberry by Mr. Corman, and Ms. Quesenberry included the date the letter was sent, October 30, 2000, in her political advertisement. Thus, the statements made in the advertisement are factual.

Reardon, Aaron—Case #02-287; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman's Union PAC (IBU PAC), a federal PAC, and the Marine Engineers Beneficial Association Political Action Fund (MEBA PAF), also a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that Aaron Reardon, a state legislative candidate during the 2000 election cycle, and a recipient of campaign contributions from both the IBU PAC and MEBA PAF, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Dismissed with the concurrence of the Chair. It was found that State Representative Aaron Reardon forfeited \$550.00 in contributions received from

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the Inlandboatmen’s Union PAC (IBU PAC) to the State of Washington on March 26, 2002.

Green, Tami—Case #02-288; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman’s Union PAC (IBU PAC), a federal PAC, and the Marine Engineers Beneficial Association Political Action Fund (MEBA PAF), also a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that Tami Green, a state legislative candidate during the 2000 election cycle, and a recipient of campaign contributions from both the IBU PAC and MEBA PAF, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Dismissed with the concurrence of the Chair. It was found that Tami Green forfeited \$400.00 in contributions received from the Inlandboatmen’s Union PAC (IBU PAC) to the State of Washington on March 27, 2002.

Wigen, Lester--(no formal investigation conducted – no evidence of material violation) Staff: Lori Anderson

Date Received: February 15, 2002

Date Started: February 21, 2002

Section of Law: RCW 42.17.040

Status: Investigation Complete

Summary: A complaint was received from Phyllis Leland alleging that Lester Wigen violated RCW 42.17.040 by failing to file a Candidate Registration Statement (PDC Form C-1) within two weeks of declaring his candidacy.

Disposition: Dismissed with the concurrence of the Chair. It was found that Mr. Wigen announced his decision to seek re-election in the Whitman County Gazette on January 10, 2002. After receiving the complaint on February 15, 2002, PDC staff contacted Mr. Wigen informing him of the complaint, and he submitted the C-1 on February 21, 2002. While the C-1 was filed 28 days late by Mr. Wigen, the lateness was mitigated by the fact the information was filed immediately by Mr. Wigen after he was notified, and that information was disclosed to the public well before election day.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Young, Robert--(no formal investigation conducted – no evidence of material violation) Staff: Lori Anderson

Date Received: February 21, 2002

Date Started: February 26, 2002

Section of Law: RCW 42.17.080

Status: Investigation Complete

Summary: A complaint was received from Quinn Dahlstrom alleging that Robert Young violated RCW 42.17 by accepting an anonymous campaign contribution of \$500, which is above the statutory limit of \$300.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Robert Young Campaign initially filed a Cash Receipts Report (PDC Form C-3) listing the contribution as anonymous. In a letter to the Commission dated February 25, 2002, the treasurer indicated that when the C-3 report was filed she was not in physical possession of the check. An amended C-3 report was filed on November 6, 2001, disclosing the source of the \$500 contribution as being from Caliber Company Inc., located in Puyallup.

Cline, Mike; Davis, Mark; & Sorci, Mario-- (no formal investigation conducted – no evidence of material violation) Staff: Kurt Young

Date Received: April 11, 2002

Date Started: April 11, 2002

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that Mike Cline, Mark Davis, and Mario Sorci each sponsored, on their own, political advertising that failed to contain the proper sponsor identification. In addition, Mr. Edelman alleged that the advertisements failed to contain the additional sponsor identification requirements for an independent expenditure advertisement costing over \$600.

Disposition: Dismissed with the concurrence of the Chair. It was found that Mike Cline, Mark Davis and Mario Sorci, all paid for and sponsored political advertising during the 2001 election. The advertisements by all three individuals included the sponsors name and address, but failed to contain the words “paid for” or “sponsored by”. The advertisements sponsored by Mr. Cline and Mr. Davis did not cost more than \$600, so no additional sponsor identification for an independent expenditure was required. In accordance with PDC practice, both Mike Cline and Mark Davis were cautioned to include the proper sponsor identification on future written political advertising. On February 27, 2002, Mr.

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Sorci was cautioned concerning the same ad to include proper sponsor identification. The caution letter was generated as a result of an earlier complaint. Mr. Sorci filed an Independent Expenditure report (PDC Form C-6) disclosing that he had spent \$687 on the political advertisement, and was thus required to include the additional sponsor identification information for an independent expenditure. In accordance with PDC practice, Mario Sorci was cautioned to include the proper sponsor identification on future independent expenditure political advertising.

Whatcom Affordable Housing Council--(no formal investigation conducted – no evidence of material violation) Staff: Lori Anderson

Date Received: April 25, 2002

Date Started: April 25, 2002

Section of Law: RCW 42.17.080

Status: Investigation Complete

Summary: A complaint was received from William McCallum alleging that the Whatcom Affordable Housing Council violated RCW 42.17.080 by failing to file copies of PDC reports with the Whatcom County Auditor’s Office as required for a political committee.

Disposition: Dismissed with the concurrence of the Chair. It was found that while the Whatcom Affordable Housing Council failed to file copies of PDC reports with the Whatcom County Auditor’s Office, images of their reports filed with the PDC have been available for review by the public on the PDC website since 1999.

The Commission took no action with the following case that was presented as a report to the Commission:

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: A “45-day letter of Complaint” was filed by Jeanne A. Brown, an attorney representing the Evergreen Freedom Foundation (EFF) with the Office of the Attorney General and the all of the County Prosecutor’s Offices statewide against the National Education Association (NEA). The complaint alleged that the NEA violated the following: 1) RCW 42.17.040 by failing to register and

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report as a political committee; 2) RCW 42.17.680 by failing to obtain employee withholding authorizations prior to the diversion of employees wages to the aforementioned unregistered political committee; and 3) RCW 42.17.760 for using agency fees to make political expenditures without obtaining an affirmative authorization from agency fee payers. The complaint was forwarded to the PDC from the Attorney General’s Office for investigation.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission took no action because the Evergreen Freedom Foundation filed a lawsuit in Thurston County Superior Court under the Citizen’s Action provisions of RCW 42.17.400(4) prior to the April 9, 2002 Commission meeting.

Cases Referred To Attorney General For Further Action

Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

Summary: A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor’s office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

Disposition: The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the Attorney General’s Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General’s Office. It was agreed that if the Attorney General’s Office declines to file a complaint in Superior Court based

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upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General’s Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General’s Office and a superior court. The Commission also found that if no action is taken by the Attorney General’s Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

Spokane County Superior Court Disposition: The Attorney General’s Office filed suit in Spokane County, and the case went to trial in Spokane County Superior Court on March 6, 2002. The Spokane County Superior Court found that the Respondent committed multiple violations of RCW 42.17.130 and 42.17.750; and assessed a total civil penalty of \$5,000.00 against the Respondent, of which \$2,000 is suspended. The non-suspended portion of the penalty was paid May 3, 2002.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer,
Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

Thurston County Superior Court Disposition: The Attorney General's Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A

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brief enforcement hearing was held on October 18th. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1st brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing was held before the full Commission on January 22, 2002. The Commission instructed the attorneys for the PDC staff and the Respondent to submit briefs on the legal issues for consideration by the Commission on February 26, 2002.

Disposition: The Commission found that the Respondent committed an apparent violation of RCW 42.17.080, and .090, and referred the matter to the Attorney General’s Office.

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

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Part II

Active Investigations

Investigations In Progress

Van Horn, Henry--Case #02-270; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was filed by Wanda Keefer against Henry Van Horn, the editor of the Asotin County-Clarkston Gazette, for placing political advertising in the Asotin County-Clarkston Gazette during the 2001 election that failed to include the proper sponsor identification.

Disposition: Pending

Farmers First (Kenton Coy)--Case #02-279; Investigator: Lori Anderson

Date Received: December 4, 2001

Date Started: January 30, 2002

Section of Law: RCW 42.17.040, .080, .090, & 510

Status: Under Investigation

Summary: A complaint was filed by Valeria Barschaw against Farmers First (Kenton Coy) for failing to register and report as a political committee for activities undertaken in opposition to a local ballot proposition, Snohomish County Initiative 01-02. In addition, the complaint also alleged failing to include the proper sponsor identification on political advertising.

Disposition: Pending

City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a local ballot proposition.

Disposition: Pending

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a local ballot proposition.

Disposition: Pending

Foote, Michael -- Case #02-292; Investigator: Sally Parker

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Under Investigation

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council.

Disposition: Pending

Washington State Labor Council-- Case #02-293; Investigator: Kurt Young

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.100

Status: Under Investigation

Summary: A complaint was received from Jack Fagan, with Permanent Offense PAC alleging that the Washington State Labor Council violated RCW 42.17.100 by sending an email message urging recipients to attempt to slow down the signature gathering phase on I-776 by requesting that petition information be sent to them.

Disposition: Pending

Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker

Date Received: April 6, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, and Pat McCarthy, Deputy Pierce County Auditor, used the facilities of the Pierce County Auditor’s Office to assist the election campaign of Pat McCarthy.

Disposition: Pending

Bainbridge Parents for Better Parks-- Case #02-295; Investigator: Suemary Trobaugh

Date Received: April 11, 2002

Date Started: April 17, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Under Investigation

Summary: A complaint was received from John Rudolph alleging that Tom Hujar and Bainbridge Parents for Better Parks failed to timely register and report as a ballot committee in opposition to a local ballot proposition.

Disposition: Pending

Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported; and that public facilities of King County Water District #54 were used to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Borders, Audrey-- Case #02-297; Investigator: Lori Anderson

Date Received: April 25, 2002

Date Started: May 1, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from William McCallum alleging that Audrey Borders, a candidate for Bellingham City Council in 2001, failed to timely file campaign finance reports disclosing contribution and expenditure information for the 2001 election.

Disposition: Pending

Rabe, Andree--Case #02-349; Investigator: Lori Anderson

Date Received: May 2, 2002

Date Started: May 8, 2002

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was received from Jon Iverson alleging that Andree' Rabe violated RCW 42.17.510 by sponsoring political advertising against a local ballot proposition that failed to contain an accurate address in the sponsor identification, and by failing to file campaign finance reports disclosing the contribution and expenditure information related to the advertising.

Disposition: Pending

Fortunato, Phil--Case #02-350; Investigator: Lori Anderson

Date Received: May 8, 2002

Date Started: May 8, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Tyler Page alleging that Phil Fortunato, a candidate for State Representative in the 47th Legislative District, violated RCW 42.17.530 by sponsoring political advertising that falsely implied he was an incumbent State Representative.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Cases Under Review

Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

Unions and Candidates – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. Fourteen cases were dismissed between August 17 and September 14, 2001, and three additional cases were dismissed between September 15 and October 11, 2001. Two cases were heard as part of brief enforcement hearings held October 18, 2001 and two cases were heard as part of brief enforcement hearings held November 1, 2001. One additional case was dismissed on December 4, 2001. The Status of the remaining 2 cases is “Under Review.”

Candidates and Committees – On October 5, 2001, Robert Edelman filed 103 complaints against 98 candidates and five committees alleging that they had received contributions from out-of-state or federal committees who had not filed PDC form C-5 disclosing information about the contribution made, including the name and address of each person residing in the State of Washington or corporation which has a place of

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

business in the State of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state or federal committee during the current calendar year, together with the money value and date of such contributions. On October 25, 2001, the candidates and committees named in the complaints were told that if they followed the express statutory remedy, which is to forfeit the funds received from these out-of-state or federal committees to the State of Washington, no further enforcement action would be taken. Four of the Respondents have been given individual case numbers and are listed under the status “Cases Closed” as cases dismissed with the concurrence of the Chair. In addition, the complaints against 96 of the remaining 99 candidates and committees have been dismissed with the concurrence of the Chair. These 99 cases were not assigned individual case numbers. These 96 cases were dismissed because it was found that the candidates and entities properly reported receipt of the contributions received from the IBU PAC and MEBA PAF. The IBU PAC and the MEBA PAF are both federal or out-of-state political committees that failed to file the C-5 report as required. The statutory remedy is for the recipient to forfeit the contributions received. The contributions have been forfeited to the State of Washington as required. PDC staff has made the IBU PAC and MEBA PAF aware of the reporting requirements for federal political action committees. Two of the three remaining cases were dismissed with the concurrence of the chair in May of 2002, and one case remains as a “Case Suspended.”

Cases Suspended - The following cases have been listed as “Under Review” in prior memos:

Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Case Suspended

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Case suspended pending the outcome of a court case on a similar issue.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Ford Duncan, Carol—Case #02-289; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Case Suspended

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman's Union PAC (IBU PAC), a federal PAC, and the Marine Engineers Beneficial Association Political Action Fund (MEBA PAF), also a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that Carol Ford Duncan, a state legislative candidate during the 2000 election cycle, and a recipient of campaign contributions from both the IBU PAC and MEBA PAF, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Numerous unsuccessful attempts have been made to locate the Respondent. Further enforcement action is being suspended until Ms. Ford-Duncan's whereabouts becomes known to us or the statute of limitations is applicable.